

7044 Order Expanding Scope of Docket

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7044

Petition of City of Burlington, d/b/a Burlington)
Telecom, for a certificate of public good to)
operate a cable television system in the City of)
Burlington, Vermont (In Re: Amended Petition)
to amend Condition No. 17 of CPG related to)
completion of system build-out and to grant)
temporary relief from limitation in Condition)
No. 60 of CPG on financing operations))

Order entered: 1/08/2010

ORDER EXPANDING SCOPE OF DOCKET

In his Order of November 24, 2009, the Hearing Officer in this docket requested comments from the parties, on behalf of the Public Service Board ("Board"), as to whether the Board should open a separate docket for an investigation of the apparent violation by the City of Burlington, d/b/a Burlington Telecom ("Burlington Telecom"), of Condition 60 of its Certificate of Public Good ("CPG"). As the Hearing Officer noted in his Order, the Board regards the apparent violation of Condition 60, and any failure to advise the Department of Public Service ("Department") and the Board promptly about such violation, as particularly serious matters.

Each of the parties in this docket submitted comments on December 7, 2009, in response to the Hearing Officer's request. None of the parties recommended opening a separate investigation into the apparent violation of Condition 60 of the CPG.

Burlington Telecom opposes the creation of a separate investigation docket because it believes it "would unnecessarily divert the resources of the parties given that many of the issues that would be addressed" in a separate proceeding "can be and are being addressed in this docket." The Department does not believe that opening a separate proceeding to address violations of Condition 60 is warranted at this time, but recommends expanding the scope of this proceeding to include a review of Burlington Telecom's "compliance with all aspects of its CPG and relevant statutory provisions, including the City Charter." Finally, Comcast of

Connecticut/Georgia/ Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC, d/b/a Comcast, also does not recommend initiating a separate investigation, but "supports addressing all issues" of Burlington Telecom's compliance with its CPG in this docket.

Given the responses and recommendations of the parties in this docket, we will not open a separate CPG compliance investigation at this time, though we find it appropriate to expand the scope of the current proceeding beyond the relief sought by Burlington Telecom in its amended petition of September 30, 2009, to include compliance issues. Accordingly, the scope of the proceeding in this docket shall be expanded (i) to include a review of the compliance of Burlington Telecom with its Certificate of Public Good, including all conditions thereof, and with all applicable statutory provisions, and (ii) to consider the possible imposition of penalties for any non-compliance. We direct the Hearing Officer to conduct this proceeding in a manner consistent with this Order.

SO ORDERED.

Dated at Montpelier, Vermont, this 8th day of January, 2010.

<u>s/James Volz</u>)	
)	
)	PUBLIC SERVICE
<u>s/David C. Coen</u>)	
)	BOARD
)	
<u>s/John D. Burke</u>)	OF VERMONT

OFFICE OF THE CLERK

FILED: January 8, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)